

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREA JONES, et al.,

Plaintiffs,

v.

CITY OF OAKLAND, et al.,

Defendants.

Case No. 19-cv-00789-HSG

ORDER OF DISMISSAL


On July 26, 2019, the Court granted Defendants' motion to dismiss Plaintiffs' amended complaint. Dkt. No. 34. The Court granted Plaintiffs leave to file a second amended complaint within 28 days. *Id.* The deadline for Plaintiffs to file the second amended complaint passed, and on August 26, 2019, the Court issued an order to show cause why the case should not be dismissed for failure to prosecute. Dkt. No. 35. In Plaintiffs' September 4, 2019 response to the Court's order to show cause, Plaintiffs indicated that they will not amend the complaint and seek a dismissal with prejudice and entry of judgment in favor of Defendants. Dkt. No. 36.

When a plaintiff has declined amendment of her complaint in favor of appealing the dismissal, the court should dismiss the action with prejudice under Federal Rule of Civil Procedure 12(b)(6). *See Edwards v. Marin Park, Inc.*, 356 F.3d 1058 (9th Cir. 2004).

Accordingly, this action is **DISMISSED** with prejudice under Rule 12(b)(6). The Clerk shall enter judgment in favor of Defendants. Both parties shall bear their own costs of suit.

IT IS SO ORDERED.

Dated: 9/5/2019


HAYWOOD S. GILLIAM, JR.
United States District Judge